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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,290	08/24/2000	Hiroyuki Maeda	OPS Case 500	5582
7590	03/22/2005		EXAMINER	
Flynn Thiel Boutell & Tanis PC 2026 Rambling Road Kalamazoo, MI 49008-1699			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/648,290	MAEDA, HIROYUKI
	Examiner Brian J. Broadhead	Art Unit 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 December 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-5 and 8-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-5,8,9,11-16,18,19,21,22 and 24-26 is/are rejected.  
 7) Claim(s) 10,17,20 and 23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 4, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 24, 25, and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al., 6675081, in view of Tognazzini, 5771484.

3. Shuman et al. disclose a receiver provided on said vehicle which receives said transmitter signal and outputs a control signal based on reception of the transmitter signal outputted by the transmitter(262); said automatic braking device receiving said control signal and operating an antilock control device of said vehicle independent of additional transmitter signals being received from said transmitter, said automatic braking device being operated based on receipt of the control signal in order to operate an automatic brake wherein a braking fluid is obtained by driving a pump of said automatic braking device to supply said braking fluid to wheel brakes provided in at least a pair of right and left wheels to produce a braking force, so that said antilock control device is operable during the operation of the automatic braking device on lines 14-19, on column 7, line 63, on column 11, through line 2, on column 12, and lines 38-43, on column 22; reference value setting means provided in the vehicle by which said reference value corresponding to said target traveling speed is set, and wherein the

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automatic braking device is operated according to the reference value set by the reference value setting means based on the control signal on lines 28-32, on column 13, and lines 39-56, on column 22; traveling speed detection means provided in the vehicle for detecting said actual traveling speed of the vehicle based on the control signal and outputting an output signal so as to operate the automatic braking device until the output signal reaches a value corresponding to the target traveling speed of the vehicle without additional transmitter signals on lines 38-43, on column 22; an alarm unit being provided which generates an alarm to the inside of the vehicle based on the control signal outputted by the receiver based upon receipt of said transmitter signal transmitted from said transmitter on lines 29-36, on column 7; and manual brake actuator on line 50, on column 16.

Shuman et al. do not disclose at least one detection means provided adjacent to the road for detecting a danger state and outputting a detection signal based on detection of said danger state; and a transmitter provided adjacent to the road which receives said detection signal and transmits a transmitter signal formed of an electromagnetic wave based on the detection signal.

Tognazzini teaches at least one detection means provided adjacent to the road for detecting a danger state and outputting a detection signal based on detection of said danger state on lines 52-60, on column 2; and a transmitter provided adjacent to the road which receives said detection signal and transmits a transmitter signal formed of an electromagnetic wave based on the detection signal on lines 15-16, on column 5. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to use the sensor system of Tognazzini in the invention of Shuman et al. because such modification would provide the content services as disclosed on lines 50-53, on column 18 that Shuman calls for.

1. Claims 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman et al., 6675081, in view of Tognazzini, 5771484 as applied to claims 11 and 12 above, and further in view of Cooper, 5786750.
2. Shuman et al. and Tognazzini disclose the limitations as set forth above. They do not disclose that the temperature sensor detects when the atmospheric temperature reaches a given temperature indicating a danger state that the detection means outputs a signal or that the temperature detection is in a vehicle tunnel. Cooper teaches of detectors that detect when the atmospheric temperature reaches a given temperature indicating a danger state that the detection means outputs a signal or that the temperature detection is in a vehicle tunnel on lines 55-66, on column 1, lines 45-55, on column 2, and lines 4-8, on column 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the detectors of Shuman et al. and Tognazzini the fire detection of Cooper because the goal of Tognazzini is to protect the vehicle from road hazards and fire would be a serious road hazard.

***Allowable Subject Matter***

3. Claims 10, 17, 20 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record is silent on where to best position the transmitter in relations to a tunnel.

***Response to Arguments***

5. Applicant's arguments filed 12-16-2004 have been fully considered but they are not persuasive. Applicant argues that Shuman does not disclose receiving a transmitted signals and then braking to a set speed in response to a danger. This is not convincing since Shuman discloses a network system that receives information from a system provider and then models the environment to determine an appropriate speed. For instance, on lines 39-46, on column 22, Shuman discloses how a speed is calculated and the vehicle is brought into compliance with the determined speed. This includes braking the vehicle since it is disclosed that the vehicle may need to be stopped. The reference speed is determined taking into account the vehicle environment. Shuman discloses that the state of the environment can be determined from external transmissions on lines 5-10, on column 29, and line 24-35, on column 14. The Applicant also tries to differentiate the claimed invention from the prior art by stating Shuman requires continuous updating of the environment. The examiner does not agree with this conclusion. If the vehicle is warned of an icy condition in a specific location as disclosed on lines 24-35, on column 14, there is no reason to believe that further information will need to be transmitted so the correct reference vehicle speed for such a condition to be determined or maintained. Applicant's arguments with respect to Tognazzini are also not convincing. Tognazzini is cited for a teaching of the road

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detector and transmitter and not the limitations related to the vehicle itself. But the arguments presented by Applicant actually help to provide reason why the two references are combinable. Tognazzini discloses automatically overriding a driver if his speed is not safe but does not provide and hint as to what would be needed in a vehicle to accomplish this. One of ordinary skill in the art would look to Shuman to provide the structure in the vehicle necessary to carry out what Tognazzini proposes.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

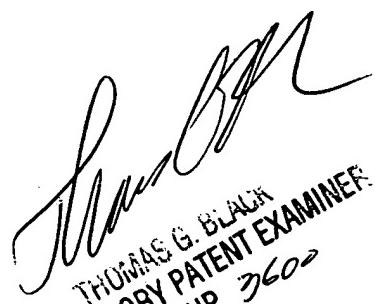
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



BJB  
March 12, 2005



THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3602